

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FRANCIS T. DEUTSCH,)
vs.)
Petitioner/Defendant,) CIVIL NO. 06-cv-750-WDS
vs.) CRIMINAL NOS. 96-cr-30047
UNITED STATES of AMERICA ,) 96-cr-30084
vs.) 96-cr-30085
Respondent/Plaintiff.)

MEMORANDUM AND ORDER

STIEHL, District Judge:

This matter is before the Court on petitioner's motion for relief pursuant to 28 U.S.C. § 2255. On August 21, 2002, the Court revoked petitioner's supervised release in three criminal cases and sentenced petitioner to one month imprisonment in case no. 96-cr-30047, 24 months imprisonment on each of Counts 1, 2, and 3, in case no. 96-cr-30084, said terms to run concurrently, and 36 months imprisonment on each of counts 1, 2, and 3 in case No. 96-cr-30085, said terms to run concurrently. However, the terms in the three cases were to run consecutively, for a total of 61 months imprisonment. Plaintiff appealed each sentence, and the Court of Appeals for the Seventh Circuit affirmed. *United States v. Deutsch*, 403 F.3d 915 (7th Cir. 2005). The Supreme Court denied certiorari, October 3, 2005, *Deutsch v. United States*, 126 S. Ct. 165 (2005), and rehearing, November 28, 2005, *Deutsch v. United States*, 126 S. Ct. 722 (2005). On, September 28, 2006, Petitioner filed the instant motion under § 2255.

In his motion the Petitioner raises four grounds for relief: (1) that revocations in each criminal action based on the same actions constitutes double jeopardy, (2) that the prosecution failed

to disclose evidence favorable to petitioner, (3) that petitioner received ineffective assistance of counsel, and (4) that the actions of the United States Attorney constituted prosecutorial misconduct.

The Court **ORDERS** the Government to file a response to Petitioner's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: November 1, 2006

s/ WILLIAM D. STIEHL
DISTRICT JUDGE